

Application No. 09/921,107  
Amendment dated February 5, 2007  
Reply to Office Action of December 29, 2006

### REMARKS

Applicant cancelled claims 36 and 37 without prejudice or disclaimer of their subject matter and amended independent claims 7 and 19 to further define Applicant's claimed invention.

In the Office Action, the Examiner objected to the specification under 35 U.S.C. § 132(a) as introducing new matter into the disclosure and rejected claims 7-14, 19-27, and 32-37 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 36 and 37 have been cancelled and the rejection of these claims is now moot.

Applicant amended independent claim 7 to recite that "the digital media content accessible by said one or more associated sub-accounts not being limited to a subset of the digital media content accessible by said main account." Applicant amended independent claim 19 to recite the step of "providing an option for the primary account to control access of the digital media content by the primary account and the sub-account linked to the primary account, the digital media content accessible by the linked sub-account not being limited to a subset of the digital media content accessible by the primary account." Support for the amendments to independent claims 7 and 19 is found at least on page 6, line 24 through page 7, line 3 and page 7, lines 7-11 of the application. Applicant submits that the specification fully supports these recitations of claims 7 and 19 and that no new matter has been added.

As set forth in the original disclosure as filed, the content "restrictions may be imposed on the HoH account as a whole, or selectively amongst one or more family member accounts and/or the HoH account." (Specification, page 6, line 24 through page 7, line 1. (emphasis added)). Similarly, "viewing restrictions may be established for the HoH account as a whole, or selectively amongst family member accounts and/or the HoH account." (Specification, page 7, lines 7-9. (emphasis added)). Moreover, by the Examiner's own admission, the above-quoted language of the specification "as establishing viewing restriction for the HoH that is different from the restriction for the sub account." (Office Action, page 7, lines 16-17 (emphasis added)). Accordingly, Applicant's specification supports the recitation in independent claims 7 and 19 that the

Application No. 09/921,107  
Amendment dated February 5, 2007  
Reply to Office Action of December 29, 2006

content accessible by the sub-accounts is not limited to a subset of the content accessible by the main/primary account. Applicant submits that the new matter rejection has been overcome.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 7-27 and 32-35 in condition for allowance. Applicant submits that the proposed amendments of claims 7 and 19 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

The Examiner rejected claims 7-14, 19-27, and 32-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,163,272 to Goode et al. ("Goode").

Claims 7 and 19 as amended recite a system and method, respectively, each including the recitation that the digital media content accessible by the sub-account is not limited to a subset of the digital media content accessible by the main account. No such system or method is taught or suggested by Goode.

Goode teaches an apparatus and method for managing the personal identification numbers of customers and customer authorization access to an interactive information distribution system. Goode teaches that "each household member can be given a PIN that has restricted spending such that each household member can only purchase a certain number of movies per month." (Goode, col. 2, lines 60-63). In Goode, "the holder of the master PIN is permitted to define certain account management parameters." (Goode, col. 2, lines 38-40). Goode teaches that these parameters may be used to establish sub-accounts "such that each customer within a household can be assigned a PIN having their own limits on what services they can access within the information distribution system." (Goode, col. 2, lines 59-64; FIG. 2).

In Goode, the master PIN account is allowed to access all content available to the household and is permitted to set various viewing restrictions on the content available to the sub-accounts. Thus, the content accessible to the sub-accounts in Goode is a subset of the content accessible to the master account. Goode does not

Application No. 09/921,107  
Amendment dated February 5, 2007  
Reply to Office Action of December 29, 2006

teach or suggest the digital media content accessible by the sub-accounts not being limited to a subset of the digital media content accessible by the main or primary account as recited in independent claims 7 and 19.

Applicant submits that independent claims 7 and 19 as amended are novel over the disclosure of Goode. Claims 8-14, 20-27, and 32-35 dependent from one of independent claims 7 and 19, or claims dependent therefrom, are allowable at least due to their dependency from an allowable independent claim.

Moreover, by the Examiner's own admission regarding the subject matter of claims 13, 14, and 27, "Goode does not explicitly teach the steps wherein said processor is adapted to generate a report of the spending habits of the viewers using the accounts and wherein said processor is adapted to generate a report of the viewing habits of the viewers using the accounts." (Office Action, page 6, lines 10-13). Applicant submits that since Goode fails to teach the subject matter of claims 13, 14, and 27, the Examiner's rejection of claims 13, 14, and 27 under 35 U.S.C. § 102(e) as anticipated by Goode is improper.

Thus, Examiner's rejection of dependent Applicant submits that the rejection of claims 7-14, 19-27, and 32-35 under 35 U.S.C. § 102(e) as being anticipated by Goode has been overcome.

The Examiner rejected claims 13, 14, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Goode in view of U.S. Patent No. 6,178,407 to Lotvin et al. ("Lotvin"). Applicant submits that the rejection of claims 13, 14, and 27 is rendered moot at least because these claims depend from an allowable independent claim, or claims dependent therefrom. Moreover, Lotvin teaches a system that "provides data to the parent about his child's or children's latest activities on the system, as well as other data, such as statistics about his child's or children's progress over time." (Lotvin, col. 8, lines 64-67). In addition, Lotvin teaches that "[o]ther data presented to the parent at block 306 can include his child's or children's accumulated point totals, purchase history, and educational presentation history." (Lotvin, col. 9, lines 8-11). Lotvin does not teach a processor adapted to generate a report of the spending habits or viewing habits of the users using the accounts, as recited in claims 13 and 14, respectively.

Application No. 09/921,107  
Amendment dated February 5, 2007  
Reply to Office Action of December 29, 2006

Further, Lotvin does not teach or suggest the step of generating a report of account activity as recited in claim 27. Thus, Applicant submits that the rejection of claims 13, 14, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Goode in view of Lotvin has been overcome.

Applicant submits that independent claims 7 and 19 are patentable and that dependent claims 8-14, 20-27, and 32-35 dependent from one of independent claims 7 and 19, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, Applicant submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims. Alternatively, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: February 5, 2007

By: 

Amedeo F. Ferraro  
Registration No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030